



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

February 3, 2005

The Honorable Dennis Hastert
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
Washington, DC 20515

John Adams Hurson
*Chairman, Health & Government
Operations Committee
Maryland House of Delegates
President, NCSL*

James E. Greenwalt
*Director, Senate Information Systems
and Administrative Services
Minnesota
Staff Chair, NCSL*

William T. Pound
Executive Director

RE: H.R. 418 and H.R. 368

Dear Speaker Hastert and Representative Pelosi:

On behalf of the nation's State legislatures, we urge you to oppose the "REAL ID Act" (H.R. 418), the "Driver's License Security and Modernization Act" (H.R. 368) and any other legislation or amendment that would preempt State authority over driver's license eligibility, would establish rigid federal driver's licensing requirements and would impose significant new unfunded mandates on State governments.

For nearly a century, the States have promoted public and traffic safety by issuing driver's licenses to certify individuals to operate a motor vehicle. Driver's licenses are used also as a primary form of identification. Since September 11, 2001, all States have worked to significantly strengthen driver's license security, and the recently enacted Intelligence Reform and Terrorism Prevention Act of 2004, which implemented the recommendations of the 9/11 Commission, for the first time will establish federal minimum standards to ensure the integrity of driver's license issuance and verification. A key provision of the 9/11 Commission reform bill reaffirmed State authority to determine the categories of individuals who are eligible to obtain a driver's license.

H.R. 418 sponsored by Rep. James Sensenbrenner (Wis.) and H.R. 368 sponsored by Rep. Tom Davis (Va.) would undermine the guidelines for reform that were recommended by the 9/11 Commission and prescribe a series of unworkable, rigid, unfunded federal mandates that could delay or disrupt the new driver's license security measures before they have been put in place. Both Congress and the Administration agreed that State officials experienced with driver's license issuance must be involved in the rulemaking process for effective, feasible reforms to be implemented.

These bills instead threaten to handcuff State officials with unworkable, unproven, costly mandates that compel States to enforce federal immigration policy rather than advance the paramount objective of making State-issued identity documents more secure and verifiable. They would establish federal security standards for State office buildings where driver's license and related records are produced or stored, regulate training and security clearances for State personnel, set federal data and document storage standards, and prohibit federal financial

assistance to a State unless it joins a prescribed driver's license interstate compact, which is yet to be enacted by a single State.

State officials are principally responsible for promoting traffic safety and reducing the more than 42,000 lives lost and hundreds-of-thousands of Americans injured on the nation's roads each year. Laws in 10 States that license individuals regardless of immigration status have been shown to reduce unlicensed drivers and uninsured motorists while bringing new people into government databases, which can be cross-referenced with FBI and terrorist watch lists. Congress should not tie the hands of State legislators as they seek to promote public and traffic safety.

Moreover, neither H.R. 418 nor H.R. 368 do anything to fix troubled federal immigration systems to provide States links to verifiable, timely and accurate data on immigration status, duration of stay, and application filings. Instead, they would make States responsible for navigating federal data systems, application backlogs, and the 100-plus types of issued visas with little federal assistance or accountability.

NCSL is committed to working with Congress and the Administration to implement effective, workable federal standards that strengthen driver's license security. We strongly believe that the framework established by the 9/11 Commission reforms provides the mechanism to achieve our shared objective. Therefore, we urge you to oppose H.R. 418, H.R. 368, and any similar legislation or amendment.

NCSL is the national bipartisan organization representing the legislatures of all 50 States, the territories and the commonwealths. Please have your staff contact Cheye Calvo at 202-624-8661 or cheye.calvo@ncsl.org for more information on the NCSL position.

Sincerely,



Delegate John Hurson
Maryland House of Delegates
President, NCSL



Senator Steve Rauschenberger
Illinois Senate
President Elect, NCSL

Cc: Members, United States House of Representatives